

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

DESIRE VALVERDE,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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2:19-CV-089-D

**ORDER**

After making an independent review of the pleadings, files, and records in this case, the May 23, 2019 findings, conclusions, and recommendation of the magistrate judge, and movant's June 13, 2019 objections, the court concludes the magistrate judge's findings and conclusions are correct. It is therefore ordered that movant's objections are overruled, the recommendation of the magistrate judge is adopted, and the motion to vacate, set aside or correct sentence is denied.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing Section 2255 Proceedings in the United States District Courts, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the movant has failed to show (1) that reasonable jurists would find this court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S.473, 484 (2000).

If movant files a notice of appeal,

- ( ) movant may proceed *in forma pauperis* on appeal.
- (X) movant must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

**SO ORDERED.**

June 19, 2019.

  
SIDNEY A. FITZWATER  
SENIOR JUDGE